IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

JACQUES DEBIEZ ET AL.

Serial No.: 10/034,952

Filed: December 27, 2001

For: TRUSTED HIGH STABILITY TIME SOURCE

Attorney Docket No.: 2001-072-TOU

Group Art Unit: 2137

Examiner: Kevin R. Schubert

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Mail Stop AF
Commissioner for Patents
U.S. Patent & Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the final office action mailed February 23, 2006, Applicants request review of the legal and factual basis of the rejections prior to the filing of an appeal brief. A notice of appeal is being filed together with this request for review.

Claims 1-13 are pending in this application. Claims 1-2, 4, and 6 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Weppler (U.S. Patent No. 5,661,700) in view of Schneier (Schneier, Bruce, Applied Cryptography, 2nd Edition, John Wiley & Sons, Inc., 1996, pp. 75-78) in further view of Hartman, Jr. (U.S. Patent No. 5,500,897). Claims 3, 9-10, and 13 stand rejected under 35 U.S.C. 103(a). Claims 5, 7-8, and 11-12 stand

objected to as being dependent upon a rejected base claim. The invention is believed to be patentable, and the rejections are believed to be clearly improper, and based upon clear error.

Claim 1, for example, recites a trusted high stability time source for use with a digital time stamping service and a trusted external time source. The trusted high stability time source comprises a private time source in the form of a local running clock and indicating a private time, and a published time source in the form of a local running clock and indicating a published time. At least one power supply is arranged to power the private time source and the published time source. Control logic is programmed to perform a time stamping operation using the published time.

Claim 1 further recites performing a published time source update. The published time is updated with a published time update from the trusted external time source if an update condition is satisfied. The update condition is based in part on a time difference between the private time and the published time update.

Claim 1 specifically recites "perform a time stamping operation by receiving a message, appending the published time to the message" and "updating the published time with the published time update if an update condition is satisfied, wherein the update condition is based in part on a time difference between the private time and the published time update."

The Examiner relies on Weppler as the primary reference. The Examiner relies on Schneier as a secondary reference relating to time stamping.

Weppler describes synchronizing local clocks in functional modules of an industrial control system. The local clocks are used to trigger the execution of instructions previously transmitted to the modules. Weppler describes a particular mechanism for updating these local clocks which involves transmitting the system time signal in two parts, at two rates.

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The local clocks are adjusted to the external synchronization signal. When making reference to Weppler, the Examiner generally refers to column 5, line 1 - column 7, line 34. The Examiner goes on to state that it would have been obvious "to combine the ideas of Schneier with those of Weppler and use the time capabilities in a time stamping operation because doing so is a useful means for establishing data authenticity." It is unclear how the Examiner is proposing to modify Weppler. Is the Examiner proposing that Weppler's local clocks should be used for time stamping?

These local clocks in Weppler are used to trigger the execution of instructions previously transmitted to the modules, and the statement of "doing so is a useful means for establishing authenticity" does not provide any explanation as to why these local clocks would be used for time stamping operations or what data would be authenticated. Put another way, the Examiner has not provided motivation for this part of the combination.

Regarding Hartman, the Examiner only relies on Hartman for teaching the concept of sending the request to an external time source for a time update. To the extent that Hartman does describe sending a request to an external time source for a time update, claim 1 recites more than just updating the time of a trusted high stability time source. **The Examiner has provided no teaching of "updating the published time with the published time update if an update condition is satisfied, wherein the update condition is based in part on a time difference between the private time and the published time update."**

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For the reasons given above, Applicants respectfully request that the panel members review the rejections in this application, and find that the application is not in condition for appeal.

Respectfully submitted,

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